

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

JEFF SPANO, DEBBIE SPANO, § NO. 1:21-CV-748-DAE  
individuals and as next friends of C.S., §  
a minor child, §  
§  
Plaintiffs, §  
§  
vs. §  
§  
WHOLE FOODS, INC., DOES 1-50, §  
§  
Defendants. §

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ORDER FOR RESPONSE

The matter before the Court is Defendant Whole Foods Market Group, Inc.'s<sup>1</sup> ("Whole Foods") Motion to Dismiss for Failure to State a Claim filed on November 2, 2021. (Dkt. # 8.) Pursuant to Local Rule CV-7, a party has fourteen (14) days in which to file a response to a motion. Although Plaintiffs are represented by counsel, no response to this motion has been filed. Accordingly, to the extent Plaintiffs oppose Whole Foods' motion, Plaintiffs are **ORDERED** to file a response **within fourteen days of the date of this Order**. Failure to file a

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<sup>1</sup> Plaintiffs apparently incorrectly named "Whole Foods, Inc." as the defendant. Whole Foods states that because Plaintiffs' allegations arise out of a claimed purchase at a store in Port Chester, NY, the correct corporate entity is Whole Foods Market Group, Inc., who owns and operates stores in New York. (Dkt. # 8 at 1 n.1.)

response to the motion within the time prescribed may result in the Court granting the motion to dismiss and dismissing this case without prejudice. See McCullough v. Lynaugh, 835 F.2d 1126 (5th Cir. 1988).

**IT IS SO ORDERED.**

**DATED:** Austin, Texas, January 5, 2022.



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David Alan Ezra  
Senior United States District Judge